



Atty. Dkt. No. 024018-0105

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05/20/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 15 2002

Applicant: Han Oh PARK *et al.*

Title: MICROORGANISMS FOR TREATMENT OR PREVENTION
OF CORPULENCE AND DIABETES MELLITUS, AND
PHARMACEUTICAL COMPOSITION CONTAINING THE
SAME

TECH CENTER 1600/2900

Appl. No.: 09/855,836

Filing Date: 05/16/2001

Examiner: WARE, DEBORAH K

Art Unit: 1651

**SUPPLEMENTAL AMENDMENT AND REPLY
UNDER 37 C.F.R. §1.111**

Commissioner for Patents
Washington, D.C. 20231

Sir:

Further to the response filed on April 18, 2002, applicants submit herewith a copy of deposit receipts together with two declarations under of 35 USC § 1.132. The deposits receipts and declarations are mentioned at page 4 of the previous response as evidence that new strains, *Lactobacillus* sp. BC-Y009 and *Acetobacter* BC-Y058 were deposited under the terms of the Budapest Treaty with the international depositary authority in Korea before the filing of the application.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The

examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date 13 May 2002

By S. A. Bent

FOLEY & LARDNER
Washington Harbour
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5143
Telephone: (202) 672-5404
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Stephen A. Bent
Attorney for Applicant
Registration No. 29,768

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 19-0741 for any such fees; and applicant(s) hereby petition for any needed extension of time.



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UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Han Oh PARK *et al.*

Serial No. 09/855,836

Filed: May 16, 2001

TECH CENTER 1600/2900

Group Art Unit: 1651

Examiner: WARE, DEBORAH K

For: MICROORGANISMS FOR TREATMENT OR PREVENTION OF
CORPULENCE AND DIABETES MELLITUS, AND PHARMACEUTICAL
COMPOSITION CONTAINING THE SAME

DECLARATION UNDER 35 U.S.C. § 1.132

The undersigned attorney of record declares that the microorganism BC-Y009 was deposited on May 3, 2000, at the Korean Collection for Type Cultures, Korea Research Institute of Bioscience and Biotechnology (KRIIBB), #52, Oun-dong, Yusong-ku, Taejon, 305-333, Republic of Korea, a Budapest Treaty recognized depository, as KCTC 0774BP.

The deposited microorganism BC-Y009 is specifically identified in this application as filed. During the pendency of the patent application, access to the deposited microorganism will be allowed to those persons properly designated by the Commissioner of Patents and Trademarks. The deposited microorganism will be replaced should it die or be destroyed during the enforceable life of any patent issued out of this patent application, for five years after the last request for a sample of the deposited microorganism or for thirty years following the date of deposit, whichever is longer upon. Upon issuance of a patent, applicant irrevocably will remove all restrictions to access to the microorganism for the duration of the deposit.

All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true; further, these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the instant patent application or any patent issuing thereon.

13 May 2002
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Stephen A. Bent
Attorney for Applicant
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In re patent application of

Han Oh PARK *et al.*

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Examiner: WARE, DEBORAH K

Filed: May 16, 2001

For: MICROORGANISMS FOR TREATMENT OR PREVENTION OF
CORPULENCE AND DIABETES MELLITUS, AND PHARMACEUTICAL
COMPOSITION CONTAINING THE SAME

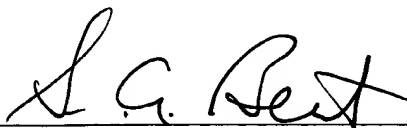
DECLARATION UNDER 35 U.S.C. § 1.132

The undersigned attorney of record declares that the microorganism BC-Y058 was deposited on May 3, 2000, at the Korean Collection for Type Cultures, Korea Research Institute of Bioscience and Biotechnology (KRIBB), #52, Oun-dong, Yusong-ku, Taejon, 305-333, Republic of Korea, a Budapest Treaty recognized depository, as KCTC 0773BP.

The deposited microorganism BC-Y058 is specifically identified in this application as filed. During the pendency of the patent application, access to the deposited microorganism will be allowed to those persons properly designated by the Commissioner of Patents and Trademarks. The deposited microorganism will be replaced should it die or be destroyed during the enforceable life of any patent issued out of this patent application, for five years after the last request for a sample of the deposited microorganism or for thirty years following the date of deposit, whichever is longer upon. Upon issuance of a patent, applicant irrevocably will remove all restrictions to access to the microorganism for the duration of the deposit.

All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true; further, these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the instant patent application or any patent issuing thereon.

13 May 2002
Date


Stephen A. Bent
Attorney for Applicant
Registration No. 29,768



BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT
OF MICROORGANISMS FOR THE PURPOSE OF PATENT PROCEDURE

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MAY 15 2002

TECH CENTER 1600/2900

INTERNATIONAL FORM
RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT

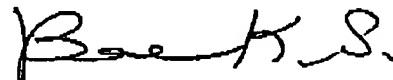
issued pursuant to Rule 7.1

TO : Bioneer Corporation
High-Tech Park,
#124, Chuckbook-ri, Namee-myun, Cheongwon-kun, Chungbuk 363-810,
Republic of Korea

I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR: <i>Lactobacillus</i> sp. BC-Y009	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: KCTC 0774BP
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I above was accompanied by: <input checked="" type="checkbox"/> a scientific description <input type="checkbox"/> a proposed taxonomic designation (Mark with a cross where applicable)	
III. RECEIPT AND ACCEPTANCE	
This International Depositary Authority accepts the microorganism identified under I above, which was received by it on May 03 2000.	
IV. RECEIPT OF REQUEST FOR CONVERSION	
The microorganism identified under I above was received by this International Depositary Authority on _____ and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on _____	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: Korean Collection for Type Cultures Address: Korea Research Institute of Bioscience and Biotechnology (KRIBB) #52, Oun-dong, Yusong-ku, Taejon 305-333, Republic of Korea	Signature(s) of person(s) having the power to represent the International Depositary Authority of authorized official(s): BAE, Kyung Sook, Director Date: May 12 2000

issued pursuant to Rule 7.1

TO : Bioneer Corporation
High-Tech Park,
#124, Chuckbook-ri, Namee-myun, Cheongwon-gun, Chungbuk 363-810,
Republic of Korea

I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR: <i>Acetobacter</i> sp. BC-Y058	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: KCTC 0773BP
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I above was accompanied by: <input checked="" type="checkbox"/> a scientific description <input type="checkbox"/> a proposed taxonomic designation (Mark with a cross where applicable)	
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V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: Korean Collection for Type Cultures Address: Korea Research Institute of Bioscience and Biotechnology (KRIBB) #52, Oun-dong, Yusong-ku, Taejon 305-333, Republic of Korea	Signature(s) of person(s) having the power to represent the International Depositary Authority of authorized official(s):  BAE, Kyung Sook, Director Date: May 12 2000